

Before the Court is Defendant Paul L. Shockley's Motion to Vacate Opinion, Order and Final Judgment, ("Motion"), Doc #: 68. In his Motion, Shockley asks the Court to reconsider its December 18, 2018 Order denying his Motion to Vacate pursuant to 28 U.S.C. § 2255 ("§2255 Motion"). Doc #: 66. The Court denied Shockley's § 2255 Motion as time barred because Shockley filed it nearly a year after the statute of limitations had run. Doc #: 66 at 1. Shockley argues that the Court improperly denied his § 2255 Motion because "there is nothing in the record to contradict Mr. Shockley's assertion that the BOP lost his mail." Mot. at 2. The Court disagrees. Shockley had until January 9, 2018 to file a timely § 2255 motion. *See* 28 U.S.C. § 2255(f)(1). Instead, he filed his § 2255 Motion almost a year later, on December 17, 2018. Doc #: 65. The Court's Clerk's Office staff upon receipt of *pro se* filings, mails confirmation of receipt back to the filer. So, Shockley should have received confirmation from the Court that his § 2255 Motion was received within a few weeks of filing it. Thus, even if Shockley filed his § 2255 Motion on the day the statute of limitations ran, January 9, 2018, he should have received confirmation that the Court received his filing by February 2018, at the latest. Shockley gives no credible

explanation as to why his § 2255 Motion was not filed until nearly a year later. Accordingly, Shockley's Motion is **DENIED**. The Court did not issue a certificate of appealability on its denial of Shockley's § 2255 Motion. Should Shockley wish to appeal the Court's decision, he will first need to seek a certificate of appealability from the Sixth Circuit.

IT IS SO ORDERED.

/s/Dan Aaron Polster Jan. 9, 2019
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE